

80, 1932

No. 78 of 1931

In the Privy Council.

CANADIAN
LAW
LIBRARY

ON APPEAL

FROM THE COURT OF KING'S BENCH (APPEAL SIDE)
OF THE PROVINCE OF QUEBEC

10 BETWEEN

LADY DAVIS (DAME ELEANOR CURRAN) and
MORTIMER B. DAVIS,
(Plaintiffs in the Superior Court) *Appellants*,

— AND —

20 LORD SHAUGHNESSY and ALEXANDER M. REAPER,
(Defendants in the Superior Court)

— AND —

THE FEDERATION OF JEWISH PHILANTHROPIES
OF MONTREAL,
(Mis-en-Cause in the Superior Court)

30 *Respondents.*

APPENDIX TO CASE OF THE RESPONDENTS
LORD SHAUGHNESSY AND ALEXANDER M. REAPER

40

CONTENTS

	PAGE
Civil Code of the Province of Quebec, articles 285, 831, 917, 981d and 981k . . .	2
Quebec Succession Duties' Act, section 14, paragraph 7	3
Letters Patent incorporating Sir Mortimer B. Davis, Incorporated (filed as Exhibit D.136 but not printed in the record)	4
Respondents' memorandum of references to the evidence in the record . . .	8

CIVIL CODE OF THE PROVINCE OF QUEBEC

(Articles 285, 831, 917, 981d and 981k)

“ 285. The following persons are also excluded from tutorship,
“ and even may be deprived of it when they have entered upon its 10
“ duties:

“1. Persons whose misconduct is notorious;

“ 2. Those whose administration exhibits their incapacity or
“ dishonesty.”

“ 831. Every person of full age, of sound intellect, and capable
“ of alienating his property, may dispose of it freely by will, without 20
“ distinction as to its origin or nature, either in favor of his consort,
“ or of one or more of his children, or of any other person capable of
“ acquiring and possessing, and without reserve, restriction or limi-
“ tation; saving the prohibitions, restrictions, and causes of nullity
“ mentioned in this code, and all dispositions and conditions contrary
“ to public order or good morals.”

“ 917. If, having accepted, a testamentary executor refuse or
“ neglect to act, or dissipate or waste the property or otherwise exer-
“ cise his functions in such a manner as would justify the dismissal 30
“ of a tutor, or if he have become incapable of fulfilling the duties of
“ his office, he may be removed by the court having jurisdiction.”

“ 981d. Trustees dissipating or wasting the property of the
“ trust, or refusing or neglecting to carry out the provisions of the
“ document creating the trust, or infringing their duties, may be
“ removed by the Superior Court.”

“ 981k. Trustees are bound to exercise, in administering the
“ trust, reasonable skill and the care of prudent administrators; but 40
“ they are not liable for depreciation or loss in investments made
“ according to the provisions of the document creating the trust, or
“ of the law, or for loss on deposits made in chartered banks or sav-
“ ings banks, unless there has been bad faith on their part in making
“ such investments or deposits.”

QUEBEC SUCCESSION DUTIES ACT, SECTION 14,
PARAGRAPH 7

(Revised Statutes of Quebec (1925), Chapter 29, Section 14,
Paragraph 7)

- “ 7. Subject to the provisions of section 13, no transfer of the
“ properties of any estate or succession shall be valid nor shall any
“ title vest in any person, if the taxes payable under this division
10 “ have not been paid; and no executor, trustee, administrator, cura-
“ tor, heir, legatee or donee, as aforesaid, shall consent to any transfer
“ or payment of legacies, and no person or corporation, or transfer
“ agent for a corporation, shall accept or register in his or its books
“ any transfer of shares, and no insurer may make a valid payment
“ of the amount due by reason of a death, unless the duties exigible
“ have been paid in full, and unless a certificate to the effect that
“ such duties have been paid or that none are exigible has been de-
“ livered by the proper collector of provincial revenue, and no regis-
“ trar may enter in his books the transfer of any immovable property,
20 “ or of a debt affecting any immovable property, by privilege or
“ hypothec, made by an estate, nor the discharge of any such debt by
“ an estate, unless the certificate of the proper collector of provin-
“ cial revenue or of the proper collector of succession duties, to the
“ effect that such duties have been paid or that no such duty is
“ exigible, has previously been registered at length in his office, or, if
“ it concern a discharge or mainlevée of hypothec which has not been
“ registered at length, be or has already been deposited in the reg-
“ istry office with the documents necessary to the cancellation. And
30 “ any executor, trustee, administrator, curator, heir, legatee or donee,
“ as aforesaid, or any person, corporation or transfer agent, or any
“ insurer, infringing the provisions of this paragraph, shall be liable
“ to a fine equal to twice the amount of the duty, when any duty is
“ exigible, or to a fine of not more than one thousand dollars when no
“ duty is exigible, and, on failure to pay such fine in either case, the
“ offender—and, if the latter be a corporation, its president or man-
“ ager—shall be liable to imprisonment for not more than one month,
“ and the amount of the fine may be levied on his personal property.
- 40 “ The Lieutenant-Governor in Council may, on such terms and
“ conditions as he may deem advisable, authorize the payment by an
“ insurer of a sum due under an insurance policy, before the payment
“ of the succession duties or before the delivery of a certificate of
“ the collector of provincial revenue to the effect that no duty is
“ exigible.”

LETTERS PATENT INCORPORATING SIR MORTIMER B.
DAVIS INCORPORATED

(Exhibit D-136)

Seal

CANADA

PROVINCE OF QUEBEC

GEORGE THE FIFTH, by the Grace of God, of the United King- 10
dom of Great Britain and Ireland and of the British Dominions
beyond the Seas, King, Defender of the Faith, Emperor of
India.

TO ALL to whom these presents shall come or whom the same may
concern, GREETING:

WHEREAS the "Quebec Companies' Act" provides that the
Lieutenant-Governor may, by Letters Patent issued under the Great 20
Seal, grant to five or more persons, petitioning therefor, a Charter
constituting them a Corporation for any of the purposes or objects to
which the Legislative authority of the Province extends;

WHEREAS the persons herein designated have filed a Petition
praying for a Charter constituting them a body corporate and politic
for the purposes hereinafter described; and

WHEREAS it has been made to appear that the said persons have 30
complied with the conditions precedent to the grant of the desired
charter and that the objects of the undertaking of the projected com-
pany are amongst those for which the Lieutenant-Governor may
grant a Charter;

NOW KNOW YE, that we have, in virtue of the powers conferred
upon us by the said Quebec Companies' Act, constituted and by these
present Letters Patent do constitute the following persons, to wit:

GORDON WALTERS MACDOUGALL, Advocate and King's Counsel, 40
LAWRENCE MACFARLANE, Advocate and King's Counsel, WILLIAM
BRIDGES SCOTT, ADRIAN KNATCHBULL-HUGESSEN, Advocates, and
JAMES GEARY CARTWRIGHT, office manager; all of the City and Dis-
trict of Montreal, and any others who are or shall become share-
holders in the Company, a corporation for the following purposes:

To subscribe for, underwrite and acquire by purchase, exchange
or other legal title and hold, either absolutely as owner or by way of

collateral security or otherwise, and to sell, guarantee the sale of, and to assign, transfer or otherwise dispose of or deal in bonds, debentures, stocks, shares, and other securities or evidences of indebtedness of any government or municipal or school corporation or any banking, public utility, mining, manufacturing, commercial or industrial company or corporation;

10 To purchase, take on lease or in exchange, hire and otherwise acquire any real and personal property which the Company may think necessary or desirable and to sell, improve, manage, develop, lease, dispose of, turn to account and otherwise deal with all or any part of the Company's property;

To manufacture, import, export, buy, sell and deal in goods, wares, and merchandise of all kinds whatsoever and to promote, organize, manage or develop any corporation, company or business enterprise;

20 To act as agents and brokers, for the purchase, sale, improvement, development, and management of any property, business or undertaking;

30 From time to time to apply for, purchase or acquire by assignment, transfer or otherwise, and to exercise, carry out, and enjoy any Statute, ordinance, order, license, power, authority, concession, right or privilege which any government or authority, supreme, municipal or local, or any corporation or other public body may be empowered to enact, make or grant and to appropriate any of the company's stock, bonds and assets to pay and defray the necessary costs, charges and expenses thereof;

40 To apply for, purchase or otherwise acquire any patents, licenses and the like, conferring an exclusive or non-exclusive or limited right to use, or any secret or other information as to any invention which may seem capable of being used for any of the purposes of the Company, or the acquisition of which may seem calculated directly or indirectly to benefit this Company, and to use, exercise, develop, grant licenses in respect of, or otherwise turn to account the rights and information so acquired;

To issue and allot as fully paid-up stock of the company hereby incorporated in payment or part payment of any business, franchise, undertaking, property, rights, powers, privileges, lease, license, contract, real estate, stocks, bonds and debentures or other property or rights which it may lawfully acquire by virtue of the powers herein granted;

To raise and assist in raising money for and to aid by way of bonus, loan, promise, endorsement and to guarantee the performance of contracts or payment of liabilities or otherwise aid and assist any person, firm or corporation in whom or in which the Company may be financially interested or with which it may have business relations, and to act as employee, agent or manager of any such corporation or firm;

To enter into any arrangement for sharing of profits, union of interests, co-operation, joint adventure, reciprocal concession or otherwise with any person or company carrying on or engaged in or about to carry on or engage in any business or transaction which this Company is authorized to engage in or carry on, or which is calculated in any way to enhance the value of the Company's properties or securities; 10

To sell, lease or otherwise dispose of the property and undertaking of the Company or any part thereof for such consideration as the Company may think fit, and in particular for shares, debentures, bonds or securities of any other Company; 20

To distribute among the shareholders of the Company in kind any property of the Company and in particular any shares, debentures, or other securities in other Companies belonging to the Company or which the Company may have power to dispose of;

To procure the Company to be registered, licensed or recognized in any other province of Canada, or in any foreign country or state, and to designate persons therein according to the laws of such province, country or state to represent the Company and to accept service for and on its behalf of any process or suit; 30

To invest and deal with the moneys of the Company not immediately required upon such security and in such manner as may from time to time be determined;

To do all and everything necessary, suitable, convenient or proper for the accomplishment of any one or more of the objects herein enumerated or which shall or may at any time be necessary for the protection or benefit of the corporation, either as holders of or interested in any property or otherwise; 40

To do all or any of the matters hereby authorized either alone or in conjunction with others or as factors, trustees or agents;

The powers in each paragraph to be in no way limited or re-

stricted by reference to or influence from the terms of any other paragraph.

The corporate name of the Company to be "SIR MORTIMER B. DAVIS, INCORPORATED."

The chief place of business of the said Company to be at the City of Montreal, in the Province of Quebec.

10 The capital stock of the Company, divided into one hundred thousand shares of one hundred dollars each, to be fixed at the sum of ten million dollars, current money of Canada.

The sum of five hundred dollars has been subscribed to the capital stock of Company.

The following persons are named provisional directors of the Company, to wit: APPLICANTS.

20 IN TESTIMONY WHEREOF, we have caused these Our Letters to be made Patent, and the Great Seal of Our said Province of Quebec to be thereunto affixed;

WITNESS: Our Trusty and well beloved the Right Honourable Sir Charles Fitzpatrick, Member of our Most Honourable Privy Council, Knight Grand Cross of Our Most Distinguished Order of Saint Michael and Saint George, Lieutenant-Governor of Our said Province of Quebec.

30 At our Government House of the Province of Quebec, in Quebec, this ninth day of July, in the Year of Grace, One Thousand nine hundred and nineteen and of our Reign the tenth.

BY COMMAND.

(Sgd.) C. J. SIMARD,
Assistant Provincial Secretary.

Recorded the 12th July, 1919, lib. 98, folio 249.

40 (Sgd.) C. J. SIMARD,
Assistant Provincial Secretary.

RESPONDENTS' MEMORANDUM OF REFERENCES
TO THE EVIDENCE IN THE RECORD

CONTENTS OF THIS MEMORANDUM

	PAGE
1. Administration of Estate.....	9
(a) Executors' meeting.....	9
(b) Various complaints of Appellants.....	9
(c) Succession duty.....	9
(d) Complaint of failure to Keep Lady Davis informed re Estate matters.....	10
(e) Pine Avenue and Ste. Agathe properties.....	10
(f) Complaint of failure to pay Estate's debts.....	10
(g) Complaint of failure to provide funds under trusts.....	10
2. Administration of Incorporated Company.....	11
(a) Alleged improper use of Company's funds for Lord Shaughnessy while in Europe in 1928 and 1929.....	11
(b) Investments made by directors of Incorporated Company.....	11
(c) Lord Shaughnessy's contract of 17th September, 1924.....	12
(d) Trading in Alcohol Company's stock.....	12
(e) Donations.....	12
(f) Young Men's Hebrew Association Building.....	13
(g) Raises in salaries.....	13
(h) Failure to declare dividend.....	13
(i) Failure to sell Alcohol Company "B" shares.....	13
(j) Failure to sell McNish debentures.....	13
(k) Failure to sell Asbestos shares.....	14
(l) Conduct of the affairs of the Incorporated Company.....	14
(m) Loans to Lord Shaughnessy.....	14
3. Administration of Canadian Industrial Alcohol Company Limited.....	14
(a) Alleged incapacity and unfitness of Lord Shaughnessy.....	14
(b) Complaint re form of balance sheet.....	15
(c) Collapse of market value of capital stock.....	15
(d) Allegation that Lord Shaughnessy did not enjoy confidence of the public.....	15
(e) Lord Shaughnessy's salary in Canadian Industrial Alcohol Company Limited.....	15
(f) Merger.....	16
(g) Canadian Bank of Commerce loans.....	16

Bk. 3, p. 527, line 25	A. M. Reaper	
p. 542, line 3		
p. 540, line 1		
p. 562, line 33		
Bk. 5, p. 2215, line 13	Lord Shaughnessy	
	R.S.Q., chapter 29, section 14,	
	subsection 7	

(d) *Complaint of failure to keep Lady Davis informed re Estate matters:* 10

Bk. 2, p. 296	Exhibit P-229	
Bk. 2, p. 163	Exhibit P-50	
Bk. 5, p. 1948, line 47	Lady Davis	
and following		
p. 2040, line 15		
p. 1915, line 14		
p. 1976, line 25		
Bk. 3, p. 126, line 18	A. M. Reaper	
Bk. 4, p. 1607, line 17	G. C. McDonald	20
Bk. 2, p. 201	Exhibit P-51	
Bk. 2, p. 302	Exhibit D-15	
Bk. 2, p. 298	Exhibit D-106	
Bk. 2, p. 174, line 45	Exhibit P-6	
Bk. 2, p. 179	Exhibit P-8	
Bk. 2, p. 214	Exhibit P-9	
Bk. 2, p. 193	Exhibit P-75	
Bk. 2, p. 236	Exhibit P-10	
Bk. 2, p. 212	Exhibit D-11	30

(e) *Pine Avenue and Ste. Agathe properties:*

Bk. 2, p. 844, line 40	Exhibit D-123	
Bk. 5, p. 2120, line 23	L. H. Ewing	
p. 2117, line 32		
p. 2128, lines 5 to 43		
p. 2125, line 3		

(f) *Complaint of failure to pay Estate's debts:* 40

Bk. 2, p. 250	Exhibit P-200	
---------------	---------------	--

(g) *Complaint of failure to provide funds under trusts:*

Bk. 2, p. 531	Exhibit P-69	
Bk. 2, p. 297	Exhibit P-229	

Bk. 2, p. 163	Exhibit P-50
Bk. 2, p. 528	Exhibit P-68
Bk. 5, p. 1970, line 17	Lady Davis

(2) ADMINISTRATION OF INCORPORATED COMPANY.

(a) *Alleged improper use of Company's funds for Lord Shaughnessy while in Europe in 1928 and 1929:*

10

Bk. 3, p. 685, line 28	A. M. Reaper
Bk. 2, p. 351	Exhibit P-27
Bk. 2, p. 364, line 31	Exhibit P-28
Bk. 1, p. 16 and following	Declaration, paragraphs 71 (a) and following

(b) *Investments made by directors of Incorporated Company: Cadillac Coal Company:*

20

Exhibit D-136 (printed in this Appendix, page 4)	Letters Patent of Incorporated Co.
Bk. 3, p. 871, line 17	Exhibit P-233
Bk. 5, p. 2245, line 34	Lord Shaughnessy
Bk. 3, p. 646, line 36 and following	A. M. Reaper
Bk. 2, p. 212	Exhibit D-11

30

Investment Foundation Limited:

Bk. 2, p. 857, line 34	Exhibit D-58
Bk. 2, p. 859, line 30	Exhibit D-125
Bk. 2, p. 861, line 46	Exhibit D-126
Bk. 5, p. 2246, line 8 and p. 2255, line 30	Lord Shaughnessy
Bk. 3, p. 644, line 19 and Bk. 5, p. 2202, line 15	A. M. Reaper
40 Bk. 2, p. 464	Exhibit D-129
Bk. 2, p. 477	Exhibit D-72
Bk. 2, p. 475	Exhibit D-130 (a)
Bk. 5, p. 2131, line 25	H. C. Flood
p. 2139, line 20	
p. 2144, line 25	
p. 2161, line 45 and following	

Jennison Company

Bk. 5, p. 2247, line 15	Lord Shaughnessy	
p. 2253, line 43		
p. 2263, line 5		
Bk. 2, p. 857	Exhibit D-58	
Bk. 2, p. 859	Exhibit D-125	
Bk. 2, p. 861	Exhibit D-126	
Bk. 5, p. 1963, line 14	Lady Davis	

Exploration and oil leases:

Bk. 2, p. 862, line 35	Exhibit D-59	
Bk. 2, p. 869, line 41	Exhibit D-63	
Bk. 2, p. 834, line 12	Exhibit P-231	
Bk. 2, p. 245	Exhibit P-52	
Bk. 5, p. 2069, line 20	H. A. Poillon	
p. 2114, line 38		
Bk. 3, p. 650, line 21	A. M. Reaper	
p. 651, line 8		20
p. 366, line 1		

(c) *Lord Shaughnessy's contract of 17th September, 1924:*

Bk. 2, p. 393 and following	Exhibit P-13	
Bk. 2, p. 422	Exhibit P-218	
Bk. 2, p. 429	Exhibit P-219	
Bk. 2, p. 311, line 15	Exhibit P-235	
Bk. 2, p. 413	Exhibit D-12	
Bk. 2, p. 919, line 11	Exhibit D-52 (a)	30
Bk. 2, p. 378, line 16	Exhibit D-133	
Bk. 2, p. 403	Exhibit P-14	
Bk. 2, p. 404	Exhibit P-15	
Bk. 2, p. 952	Exhibit D-55	
Bk. 2, p. 680 and following	Exhibit P-158 to P-163	
Bk. 5, p. 2353	Lord Shaughnessy	
Bk. 3, p. 661	A. M. Reaper	

(d) *Trading in Alcohol Company's stock:*

Bk. 2, p. 203, lines 1 to 20	Exhibit P-51	40
Bk. 2, p. 949	Exhibit D-55	
Bk. 3, p. 638, line 36	A. M. Reaper	

(e) *Donations:*

Bk. 3, p. 798, line 5	A. M. Reaper	
Bk. 2, p. 953, line 25	Exhibit D-55	

Bk. 2, p. 447, line 30 Exhibit P-73
Bk. 2, p. 383, line 27 Exhibit P-47

(f) *Young Men's Hebrew Association Building:*

Bk. 3, p. 133, line 30 A. M. Reaper
 p. 134, line 20
 p. 600, line 45

10 (g) *Raises in salaries:*

Bk. 2, p. 383, line 36 Exhibit P-47
Bk. 5, p. 2320, line 13 Lord Shaughnessy

(h) *Failure to declare dividend:*

20 Bk. 2, p. 318 Exhibit P-20
 Bk. 2, p. 319 Exhibit P-21
 Bk. 2, p. 383 Exhibit P-47
 Bk. 2, p. 228 Exhibit P-10

(i) *Failure to sell Alcohol Company " B " shares:*

30 Bk. 2, p. 203, line 15 Exhibit P-51
 Bk. 2, p. 748 Exhibit P-183
 Bk. 2, p. 742 Exhibit D-56
 Bk. 2, p. 747 Exhibit P-182
 Bk. 5, p. 2261, line 4 Lord Shaughnessy
 p. 2259, line 12
 p. 2260, line 26
 Bk. 5, p. 1943, line 30 Lady Davis
 p. 1944, line 1
 Bk. 4, p. 1769, line 9 and W. P. O'Brien
 following
 Bk. 4, p. 1596, line 23 G. C. McDonald

(j) *Failure to sell McNish debentures:*

40 Bk. 2, p. 840, line 10 Exhibit D-121
 Bk. 2, p. 840, line 40 Exhibit D-122
 Bk. 5, p. 2310, line 34 Lord Shaughnessy
 Bk. 5, p. 2202, line 38 and A. M. Reaper
 following
 Bk. 2, p. 863, line 31 Exhibit D-59
 Bk. 2, p. 835, line 5 Exhibit D-119
 Bk. 2, p. 837 Exhibit D-120

Bk. 2, p. 869, line 38	Exhibit D-63	
Bk. 4, p. 1036 and following	J. G. Lawrence	
p. 1045, line 45 and following		
p. 1040, line 45 and following		
p. 1041, line 35		
p. 1042, line 35		10

(k) *Failure to sell Asbestos shares:*

Bk. 5, p. 2323, line 5	Lord Shaughnessy	
p. 2325, line 37		
Bk. 5, p. 2072, line 32	H. A. Poillon	
Bk. 2, p. 208	Exhibit P-51	
Bk. 5, p. 2054, line 41	Lady Davis	

(l) *Conduct of the affairs of the Incorporated Company:*

Bk. 5, p. 2180, line 5	Sir John Aird	
Bk. 2, p. 958	Exhibit D-18	
Bk. 2, p. 959	Exhibit D-17	
Bk. 2, p. 960	Exhibit D-132	
Bk. 5, p. 2199, line 18	A. M. Reaper	20

(m) *Loans to Lord Shaughnessy:*

Bk. 3, p. 669, line 43	A. M. Reaper	
p. 672, line 28		30
p. 675, line 25		
p. 678, line 3		
Bk. 2, p. 223 and p. 219	Exhibit P-9	
Bk. 2, p. 313	Exhibit P-237	
Bk. 2, p. 313	Exhibit P-238	
Bk. 2, p. 303, line 45	Exhibit P-239	
p. 304, line 18		
Bk. 5, p. 1955, line 19	Lady Davis	
p. 1956, line 38		40

(3) ADMINISTRATION OF CANADIAN INDUSTRIAL ALCOHOL COMPANY LIMITED.

(a) *Alleged incapacity and unfitness of Lord Shaughnessy:*

Bk. 2, p. 678	Exhibit D-88	
Bk. 2, p. 795, line 1	Exhibit D-113	

Bk. 2, p. 796, line 41	Exhibit D-116
Bk. 2, p. 755	Exhibit P-110
Bk. 2, p. 677	Exhibit P-118
Bk. 3, p. 623, line 41	A. M. Reaper
Bk. 4, p. 1052, line 30 and following p. 1056, line 1	J. G. Lawrence

10 (b) *Complaint re form of balance sheet:*

Bk. 4, p. 1066, line 15	J. G. Lawrence
Bk. 2, p. 645	Exhibit D-79

(c) *Collapse of market value of capital stock:*

Bk. 2, p. 744	Exhibit P-210
Bk. 2, p. 742	Exhibit D-56
Bk. 4, p. 1588, line 20	G. C. McDonald
20 p. 1589, line 19	
p. 1590, line 16	
Bk. 2, p. 702, line 30	Exhibit D-170
Bk. 4, p. 1166, line 28	F. M. Gaudet
p. 1184, line 8	
Bk. 5, p. 2221 and following	Lord Shaughnessy
p. 2342, line 7	
p. 2407, line 16	
Bk. 5, p. 2185, line 40	Sir John Aird
Bk. 2, p. 751	Exhibit D-102
Bk. 2, p. 752	Exhibit D-103
30 Bk. 2, p. 753	Exhibit P-189
Bk. 2, p. 711	Exhibit D-80
Bk. 2, p. 700	Exhibit D-5
Bk. 2, p. 796	Exhibit D-115
Bk. 4, p. 1030	J. G. Lawrence

(d) *Allegation that Lord Shaughnessy did not enjoy confidence of the public:*

40 Bk. 4, p. 1085, p. 1086	J. G. Lawrence
p. 1406, line 35	J. W. Tyson
p. 1408, line 3	

(e) *Lord Shaughnessy's salary in Canadian Industrial Alcohol Company Limited:*

Bk. 2, p. 703, line 32	Exhibit P-172
------------------------	---------------

(f) *Merger:*

Bk. 4, p. 1704, line 30	F. J. Lash	
p. 1731, line 25		
p. 1933, line 1		
Bk. 4, p. 1089, line 43	J. G. Lawrence	
Bk. 5, p. 2232, line 2	Lord Shaughnessy	
p. 2236, line 23		
p. 2239, line 25		
Bk. 5, p. 2057, line 2	Lady Davis	10
and p. 2058		

(g) *Canadian Bank of Commerce loans:*

Bk. 2, p. 281 and following	Exhibits P-129 to P-139	
-----------------------------	-------------------------	--

20

30

40

In the Privy Council.

ON APPEAL

FROM THE COURT OF KING'S BENCH (APPEAL
SIDE) OF THE PROVINCE OF QUEBEC.

BETWEEN:

**Lady Davis and
Mortimer Barnet Davis,**
Appellants,

— AND —

**The Right Honourable
Lord Shaughnessy and
Alexander M. Reaper,**

— AND —

**The Federation of Jewish
Philanthropies of Montreal,**
*(Mis-en-cause),
Respondents.*

**CASE OF THE RESPONDENTS
Lord Shaughnessy and Alexander M. Reaper**

**LINKLATERS & PAINES,
2 Bond Court,
Walbrook,
London, E.C. 4.**